

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

AUTO PARTS MANUFACTURING MISSISSIPPI
INC., a Mississippi corporation

PLAINTIFF

v.

CIVIL ACTION NO. 1:11-CV-00251-GHD-SAA

KING CONSTRUCTION OF HOUSTON,
LLC, a Mississippi limited liability
company; NOATEX CORPORATION,
a California corporation; and KOHN LAW
GROUP, INC., a California corporation

DEFENDANTS

ORDER PURGING DEFENDANT KOHN LAW GROUP, INC. OF CIVIL CONTEMPT
AND ENTERING JUDGMENT

This court entered an opinion and order on June 14, 2017, granting the Plaintiff's motion for the imposition of coercive and compensatory sanctions against the defendant Kohn Law Group, Inc. ("Kohn"), based on Kohn's violation of a permanent injunction entered by this Court prohibiting Kohn from filing any proceedings against the Plaintiff related to certain interpled funds without first obtaining a court order from this Court permitting it do so. *Auto Parts Manufacturing Mississippi Inc. v. King Construction of Houston, LLC*, 258 F. Supp. 3d 740, 745-46 (N.D. Miss. 2017). In that opinion and order, this Court ordered Kohn to pay compensatory sanctions to the Plaintiff in the form of attorneys' fees and costs in the amount of \$373,692.50, and imposed coercive sanctions of \$100 per day to be paid to this Court's registry from the date of June 14, 2017, until the date that Kohn satisfied two conditions, at which point it would be purged of contempt: (1) that Kohn dismissed with prejudice the claims in the case it had filed in the Central District of California (No. 2:12-cv-08063); and (2) that Kohn in turn filed a notice in this case attaching a final order of dismissal with prejudice that formally dismissed the claims in the Central District of California case. *Id.* at 753. The United States Court of Appeals for the Fifth Circuit

affirmed this court's ruling on May 31, 2018. *Auto Parts Manufacturing Mississippi, Inc. v. King Construction of Houston, LLC*, 725 Fed. Appx. 305 (5th Cir. May 31, 2018). The United States Supreme Court then denied Kohn's petition for a writ of certiorari on December 10, 2018. *Auto Parts Manufacturing Mississippi, Inc. v. King Construction of Houston, LLC*, 139 S.Ct. 640 (Dec. 10, 2018).

"[C]ourts have inherent power to enforce compliance with their lawful orders through civil contempt." *Spallone v. United States*, 493 U.S. 265, 276 (1990) (citations omitted). "Civil contempt is designed to force the [disobedient party] to comply with an order of the court." *Willy v. Coastal Corp.*, 503 U.S. 131, 139 (1992); see *Ozmun v. Portfolio Recovery Assocs., LLC*, No. A-16-CA-940-SS, 2018 WL 912286, at *2 (W.D. Tex. Feb. 15, 2018) (civil contempt is intended to "coerce the contemnor into compliance with a court order or to compensate another party for the contemnor's violation...."). Once a civil contemnor complies with the underlying order, he is purged of the contempt. *Hicks v. Feiock*, 485 U.S. 624, 633 (1988) (he "carr[ies] the keys of [his] prison in [his] own pockets" (internal quotation marks omitted)); *United States v. Alvarez*, 489 F. Supp. 2d 714, 719 (W.D. Tex. 2007).

Kohn has complied with the Court's ruling as to the coercive sanctions and has dismissed the California action, filed a notice in this case demonstrating that the California action has been dismissed, and has paid the full required sum of coercive sanctions into this Court's registry [Doc. No. 369]. Accordingly, and pursuant to its previous ruling, the court finds that Kohn Law Group has purged itself of civil contempt.

Kohn, however, has not paid the compensatory sanctions that the Court awarded to the Plaintiff in the amount of \$373,692.50. Because those sanctions were compensatory in nature, the

Court directs entry of final judgment in that amount plus interest in favor of the Plaintiff and against defendant Kohn Law Group, Inc. See, e.g., *United States of America v. Ireland*, No. 2:11-CV-14068, 2019 WL 3759533, at *2 (E.D. Mich. July 24, 2019); *Mackler Productions, Inc. v. Turtle Bay Apparel Corp.*, 153 F. Supp. 2d 504, 511-12 (S.D.N.Y. 2001); *Rudd v. Advance Bedding Corp.*, No. 95 CV 2099, 1997 WL 139001, at *1 (E.D.N.Y. Mar. 19, 1997).

Accordingly, it is hereby ORDERED and ADJUDGED that:

- (1) the defendant Kohn Law Group, Inc. is PURGED of civil contempt;
- (2) judgment is ENTERED in favor of the Plaintiff and against the defendant Kohn Law Group, Inc. in the amount of \$373,692.50, plus post-judgment interest at the rate of 1.94% per annum, for all of which execution may issue as provided by law; and
- (3) this case is CLOSED.

SO ORDERED AND ADJUDGED, this, the 19th day of August, 2019.



SENIOR U.S. DISTRICT JUDGE